

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-223235
MATTER OF: MRL, Inc.

DATE: June 13, 1986

DIGEST:

Protest challenging agency's decision to use simplified small purchase procedures is dismissed as untimely where protest was not filed in General Accounting Office until more than 2 months after date set for submission of initial proposals.

MRL, Inc., protests an award under solicitation No. DLA400-86-R-4782¹/, alleging that the solicitation was improper because the contracting agency should have used sealed bidding instead of negotiation. Federal Acquisition Regulation (FAR), 48 C.F.R. parts 14 and 15 (1985).

We dismiss the protest as untimely.

The contracting agency, the Defense Logistics Agency, elected to request quotations utilizing the simplified small purchase procedures. FAR, 48 C.F.R. part 13 (1985). The request for quotations closed March 17, 1986, and a purchase order was issued May 7, 1986.

Our bid protest procedures require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for submission of proposals must be filed prior to the closing date for receipt of initial proposals. 4 C.F.R. § 21.2(a)(1) (1986). Since the alleged impropriety relates to the form of the solicitation and MRL, Inc., did not file the protest until May 30, 1986,--more than 2 months after the closing date--it is untimely. See Arrowhead Construction, Inc., B-220386, Jan. 8, 1986, 86-1 C.P.D. ¶ 16.

Furthermore, we are not convinced that this protest raises an issue of sufficient significance to the procurement system to consider the merits despite its untimeliness. 4 C.F.R. § 21.2(c) (1986). The "significant issue" exception is strictly construed and seldom invoked.

¹/ The contracting agency has advised our Office that the correct solicitation number is DLA400-86-Q-4782.

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Universal Design Systems Inc.--Reconsideration, B-211547.3, Aug. 16, 1983, 83-2 C.P.D. ¶ 220. It is limited to protests that raise issues of widespread interest to the procurement community and have not been considered before. Vycor Corp. et al., B-213867 et al., Feb. 15, 1984, 84-1 C.P.D. ¶ 205.

The protester makes no attempt to show that this protest raises issues of widespread interest. In addition, we have already considered substantially the same issue. See Arrowhead Construction, Inc., B-220386, supra; Gradwell Co., Inc., B-216480, Feb. 8, 1985, 85-1 C.P.D. ¶ 166.

The protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel